

FOCUS ON 2014 MARINE AND RAIL OIL TRANSPORTATION STUDY – DRAFT FINDINGS

Marine & Rail Oil Transportation Study: Preliminary Findings & Recommendations

The Marine & Rail Oil Transport Study: Preliminary Findings & Recommendations contains a prioritized list of legislative and budget recommendations for the 2015-2017 biennium. The prioritization was made in consideration of the additional protection provided by the measures, the technological achievability of the measures, and the cost of the measures.

Findings

Public safety is of paramount importance. And, the best means of reducing the risk of oil spills is prevention. A prevention strategy is stressed in the recommendations for both the rail and marine transportation modes.

Unfortunately not all spills are preventable so planning for spills is critical. Once a spill happens, the state, responsible party, and other partners must be poised to mount a rapid, aggressive and well-coordinated response to minimize impacts and remove contamination.

Recommendations for emergency preparedness and response are provided. This preliminary report will be followed by a considerably more detailed technical report to be presented to the Legislature and the Governor on December 1, 2014. A final report will be presented on March 1, 2015.

Key Legislative Recommendations for 2015-2017 Biennium

Governor Directive Results:

1. Consider funding options to adequately fund Washington's Spill Prevention, Preparedness, and Response Program.
2. Modify the railroad regulatory fee structure. It should allow the UTC to fund additional inspector positions, including Federal Railroad Administration certified inspectors with increased pay that is competitive with comparable private-sector and federal inspectors. As part of this, the certified inspectors will increase inspections in the areas of track, hazardous materials, operating practices, motive power and equipment, and crossing signals.

Study Proviso Results:

3. Amend statutory authority to allow UTC inspectors to enter a private shipper's property to conduct hazardous material inspections related to rail operations. This proposal can be performed within current resources.
4. Ensure permanent ongoing funding for three Ecology planners. This would allow Ecology to develop new and maintain existing geographic response plans for inland and marine areas at risk from oil spills.

WHY IT MATTERS

April 2014, the Washington State Legislature directed and funded a proviso requiring the Department of Ecology, in consultation with the Utilities and Transportation Commission (UTC), Washington Military Department's Emergency Management Division, the Federal Railroad Administration, and the Washington Department of Transportation, to conduct a study on marine and rail oil transportation.

June 2014, Governor Inslee issued an Oil Transport Directive to Ecology outlining key components to be addressed.

The Legislature's and Governor's action is driven by the rapid changes in how crude oil is moving through rail corridors and over Washington waters, creating new safety and environmental risks.

This study has focused on developing recommendations to foster public health and safety, environmental protection, and respect for tribal treaty rights.

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5. Ensure permanent funding for assessing oil transportation risks. This would keep us informed on public health and safety, and environmental protection matters and impacts due to the changing energy picture over time. Additional funding is needed to support the expansion of Vessel Traffic Risk Assessment studies to Grays Harbor, the Columbia River, the outer coast, and changes in Puget Sound; and the development of a Rail Traffic Risk Assessment model to analyze changes to the rail transport system. Ecology and other agencies need to complete and maintain a Marine and Rail Oil Transport Study to incorporate the changes that will occur with respect to the energy picture in the nation, the region, and in Washington State.
6. Enhance and provide for a continuous supply of oil spill response equipment and local first responder firefighting equipment. Ecology should develop a grant program for firefighting equipment, working with local responders to develop rules for the administration of the program. On-going funding and staffing should be provided to administer the program, maintain existing equipment and provide periodic training to first responders.
7. Mandate the State Emergency Response Commission to modify regulatory authority requiring Local Emergency Planning Committees to submit hazardous materials plans and updates on a four-year cycle basis for compliance reviews. Plan updates will address new hazards not covered in previous plan.
8. Amend statute to allow designated 'first-class cities' to opt-in to the UTC's railroad crossing inspection and enforcement program. The Legislature should also give the UTC jurisdiction to require first class cities to inform the UTC when crossings are opened or closed.
9. Provide funding for the UTC to conduct railroad and road authority diagnostic reviews of high risk crossings. Amend statutory authority and provide funding to give UTC jurisdiction over private road crossings on the primary railroad routes, including those over which crude oil are transported. This would allow the UTC to establish minimum safety standards, including appropriate safety signage.
10. Modify the definition of 'facility' in statute to include moving trains carrying oil as cargo. Direct Ecology to develop regulations requiring rail oil spill contingency plans and participation in drills. Other related legislative amendments include require railroads to submit advance notice to the state on the volume and characteristics of oil being transferred by rail facilities; extend the concept of Best Achievable Protection as a regulatory standard to all facilities handling oil and modify definition of oil and ensure it captures all types of oil.
11. Modify statutory authority to extend financial responsibility requirements to rail and mobile facilities, and enable Ecology to modify the regulations on financial responsibility requirements. Issuing Certificates of Financial Responsibility ensure that those transporting oil can pay for cleanup costs and damages resulting from oil spills.
12. Direct Ecology and state fire marshal's office to analyze the continued need for geographic hazardous materials response teams, their composition, how they should be equipped and trained, where they should be located, funding mechanisms, and how they will mutually assist statewide. Part of this analysis should include development of a startup and recurring cost estimates for such teams.

More information

www.ecy.wa.gov/programs/spills/OilMovement/index.html